

MC-275

Name Hari Singh Srani  
 Address C.S.P. / 1801-193 low  
P.O. Box 3456  
Corcoran, CA. 93212-3456  
 CDC or ID Number V-78136

FILED

2008 FEB 13 PM 4:09

CLERK US DIST CT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

United States District Court  
"Southern District of California"  
 (Court)

PETITION FOR WRIT OF HABEAS CORPUS

In Re Hari Singh Srani  
 Petitioner On vs Habeas Corpus  
D. Adams, Warden  
 Respondent

'08 CV 0273 LAB LSP

(To be supplied by the Clerk of the Court)

(Super. Ct. # 05CRWR677740)  
 Dept. 98B

2254	1989
FILING FEE PAID	
Yes	No
WIT MOTION FILED	
Yes	No
COPIES SENT TO	
Court	ProSe

## INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

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## This petition concerns:

- ☒ A conviction ☐ Parole  
☒ A sentence ☐ Credits  
☐ Jail or prison conditions ☐ Prison discipline  
☐ Other (specify): Not Applicable

1. Your name: Hari Singh Srani  
 2. Where are you incarcerated? Corcoran State Prison, Corcoran  
 3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon")

Felony DUI, Enhancement - Great Bodily Injury

- b. Penal or other code sections: 23153(b), 12022.1

- c. Name and location of sentencing or committing court: 1100 Van Ness Ave., Fresno, CA. 93724-0002

Fresno County Superior Court

- d. Case number: F04901163 -6

- e. Date convicted or committed: April 29th, 2005

- f. Date sentenced: April 29th, 2005

- g. Length of sentence: 5 years

- h. When do you expect to be released? May 27th, 2008

- i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address:

Last Attorney of six: J.M. Brigoyen,  
2131 Amador St., Fresno, CA. 93721

4. What was the LAST plea you entered? (check one)

☐ Not guilty ☐ Guilty ☒ Nolo Contendere ☐ Other: \_\_\_\_\_

5. If you pleaded not guilty, what kind of trial did you have? - not Applicable

☐ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

## 6. GROUNDS FOR RELIEF

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Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

*Violation of Sixth Amendment, The right to effective assistance of Counsel*

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

*The defendant was involved in a traffic accident resulting in two injured persons. Upon testing of blood, authorities charged petitioner with DUI w/injury. 23153(b) and 12022-1. Blood was only tested once, providing inconsistent results. Counsel failed to follow up on re-testing or investigate issues given by petitioner and his family. If this was done, counsel could have proven that the petitioner's diabetes and meds. can show a false positive for alcohol on a blood test. Also attorney failed to explain the difference between a "guilty" plea, and a "No contest" plea. Petitioner pleaded "no contest" not understanding its meaning. Petitioner only speaks and understands partial English. Counsel also told me I would get two years, and not five.*

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

*Strickland vs. Washington (1984) 466 US 668, 80 L Ed 2d 674, 104 S.Ct. 2052, Hill vs. Lockhart (1985) 474 US 52, 88 L Ed 2d 203, 106 S.Ct. 366, Baylor vs. Estelle (9th Cir 1996) 94 F3d 1331, Eggleston vs. U.S. (9th Cir 1986) 798 F2d 374*

7. Ground 2 or Ground \_\_\_\_\_ (if applicable):

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Violation of Due Process, Sufficiency of evidence to support plea/violation of guilty plea.

a. Supporting facts:

The evidence used to consider the plaintiffs guilt was questionable. Given the inconsistency of the admitted evidence (blood test), a second independent test was requested by defense, but strongly denied, which resulted in this miscarriage of justice, and the denial of due process, a violation of the 8th, and 14th Amendment. When alternative theories of liabilities are presented, a general verdict is valid as long as the evidence is sufficient to support one of those theories. The court did unduly restrict defenses counsel's presentation of evidence. An appellate court reviews any ruling by a trial court as to the admissibility of the evidence for abuse of discretion. The question is, did the court perform its duty in weighing the probative value against prejudice, under evidence code § 352.

Furthermore, council told me I would plead to 2 years, when it was actually five

b. Supporting cases, rules, or other authority:

Jackson vs. Virginia (1979) 443 US 307, 61 L Ed. 2d 560  
99 S. Ct. 2781, Martineau vs. Angelone (9th Cir 1994)  
25 F3d 734, Mikes vs Borg (9th Cir 1991) 947  
F2d 353, 356, Gordon vs. Duran (9th Cir 1990)  
895 F2d 610, 612

8. Did you appeal from the conviction, sentence, or commitment? ☒ Yes. ☐ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

Court of Appeal for the Fifth Appellate District

b. Result

Denied

c. Date of decision:

January 20th, 2006

d. Case number or citation of opinion, if known:

FO48166

e. Issues raised: (1)

Violation of Sixth Amendment. Right to effective Counsel

(2)

Violation of Due Process

(3)

Violation of Fourteenth Amendment

f. Were you represented by counsel on appeal? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

Deborah Prucha, 2407 "J" St. Suite 301, Sacramento, CA. 95816

9. Did you seek review in the California Supreme Court? ☒ Yes ☐ No. If yes, give the following information:

a. Result

Denied

b. Date of decision:

June 14th, 2006

c. Case number or citation of opinion, if known:

Unknown

d. Issues raised: (1)

Violation of Sixth Amendment.

(2)

Violation of Due Process

(3)

Violation of Fourteenth Amendment.

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

Not Applicable

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

Not Applicable

b. Did you seek the highest level of administrative review available? ☒ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.



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12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☒ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: Superior Court of California/County of Fresno  
 (2) Nature of proceeding (for example, "habeas corpus petition"): Habeas Corpus Petition  
 (3) Issues raised: (a) Sixth ammend.  
 (b) 14th ammend.  
 (4) Result (Attach order or explain why unavailable): Petition Denied  
 (5) Date of decision: January 14th, 2006
- b. (1) Name of court: Court of Appeal, 5th appellate District  
 (2) Nature of proceeding: Habeas Corpus Petition  
 (3) Issues raised: (a) Sixth ammend.  
 (b) 14th ammend.  
 (4) Result (Attach order or explain why unavailable): Petition denied (attached)  
 (5) Date of decision: May 04, 2006

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

N/A

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

N/A

16. Are you presently represented by counsel? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☒ No. If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

N/A

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 02/04/08

Howie S. [Signature]

## GROUND ONE:

MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT OF INEFFECTIVE ASSISTANCE OF COUNSEL

The burden of proving a claim of ineffective assistance of counsel is on the defendant. He must show his counsel failed to act in a manner to be expected of reasonably competent attorneys acting as diligent advocates. *People v. Pope* (1975) 23 Cal. 3d 412, 425; *People v. Hernandez* (1979) 96 Cal. App. 3d 856.

Defendant must overcome the "Strong presumption that counsels' conduct falls within the range of reasonable professional assistance." *Strickland v. Washington*, (1984) 466 U.S. 668, 689; *People v. Humphries* (1986) 185 Cal. App. 3d 1315, 1341.

In addition, he must establish that counsels acts or omissions resulted in the withdrawal of a potentially meritorious defense. When withdrawal of a defense is not claimed, a [Defendant] may also show Ineffective Assistance of Counsel by proving (1) That his counsel failed to perform with reasonable competence, and (2) That it is reasonably probable a more favorable result would have been obtained in the absence of counsel's failings. *People v. Fosselman* (1983) 33 Cal. 3d 572, 584. The defense has the affirmative duty to demonstrate the acts or omissions cannot be explained on the basis of any knowledgeable choice of tactics. *People v. Pope*, *Supra*, at p. 425. Also, see *People v. Barton*, *Supra*, and *People v. Lang*, (1974) 11 C3d 134, 139, 113, CR 9,12, Where counsel may not argue the case against his client, in *Barton*, yet the *Barton* court further noted that the adequacy of appointed appellate counsel is measured by how well he or she performs specific duties imposed by the constitution and not by the "Farce and Sham" standards then used and measured by competent trial attorneys. In *People v. Ibarra* (1963) 60 C2d 460, 464, 34 CR 863, 866; The *Ibarra* "Farce and Sham" standard has been abandoned and replaced by a test which determines whether trial counsel provided reasonable competent assistance, acting as a conscientious, diligent advocate. See *People v. Frierson* (1979) 25 C3d 142, 158 CR 281.

1 The state and federal constitutions guarantee a criminal defendant the right  
 2 to effective assistance of counsel. MaMann v. Richardson 397 U.S. 759 (1970);  
 3 People v. Pope (1979) 23 Cal. 3d 412. As the Ninth Circuit has expressed, the  
 4 Sixth Amendment right to counsel is meaningless unless counsel is competent.

5 See United States v. Tucker, 716 F. 2d 125, 127 (9th Cir. 1983) 716 F. 2d  
 6 576, 579. Defense counsel is required to investigate all possible defenses,  
 7 research applicable law, make an informed recommendation to the client regarding  
 8 the appropriate strategy, and present that strategy on behalf of the client.

9 See, e.g., People v. Ledesma (1987) 43 Cal. 3d 171, 222. Since "Investigation  
 10 and preparation are the keys to effective representation," (Id. at 222) counsel  
 11 has a duty to interview potential witnesses and "Make an independent examination  
 12 of the facts, circumstances, pleadings and the laws involved." Von Moltke v. Gillies  
 13 332 U.S. 708, 721.

14 It is the duty of the lawyer to conduct a prompt investigation  
 15 of the circumstances of the case and to explore all avenues leading  
 16 to facts relevant to the merits of the case and the penalty in  
 17 the event of conviction. The investigation should always include  
 18 efforts to secure information in the possession of the prosecution  
 and law enforcement authorities. The duty to investigate exists  
 regardless of the accused's admissions or statements to the  
 lawyer of facts constituting guilty or the accused's stated desire  
 to plead guilty.

19 American Bar Association, Standards for Criminal Justice (2d Ed., 1980),  
 20 Standard 4-4.1. Duty to investigate, Commentary, at 453.

21 The defense acknowledges that it has the burden of proving, by clear  
 22 and convincing evidence, that there are grounds to withdraw the plea.  
 23 People v. Nance (1991) 1 Cal. App. 4th 1453. In this case, the defense  
 24 meets and exceeds this burden of proof, demonstrated that the defendant  
 25 was denied the effective assistance of counsel. Mr. Sran told his retained  
 26 lawyer about his illness diabetes--and his desire to have the blood draw  
 27 re-tested. Yet, his previous and present attorney's took no steps to  
 28 investigate this fact.



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GROUND TWO:POINTS AND AUTHORITIES IN SUPPORT OF VIOLATION OF GUILTY PLEA

The infliction of punishment in violation of a negotiated plea is a violation of the due process of law. The 8th and 14th Amendment to the United States Constitution: California penal code, § 1192.5.

The United States Supreme Court established standards for negotiated pleas in Boykin v. Alabama (1969) 395 U.S. 238, 89 S. Ct. 1703, 23 L. 2d 274. In Boykin, Supra:

The court held that a guilty plea would not be accepted unless there was affirmative evidence that the plea was not only voluntary, but further concluded that the trial court must use the upmost solicitude in canvassing the matter with the accused to make sure he has full understanding of what the plea connotes and of its consequences. Boykin v. Alabama, Supra, at 243-44.

In light of such standards the federal courts have time and again vacated or forced compliance with pleas when defendants have been able to show that they have been unfairly subjected to punishment in excess of that bargained for through the plea negotiation. Where a promise is "Unfulfilled," specifically denies that the plea "Must stand." Brady v. United States (1970) 397 U.S. 742, 755 90 S. Ct. 1463, 25 L. Ed. 2d 747, 760. Petitioner brings to the court just such a violation of the plea entered into as the result of negotiation and good faith on the part of petitioner.

Petitioner did enter into a plea as the result of a specific understanding as to conditions which have not been violated subjecting petitioner to more onerous punishment than that plead to.

In a series of cases, perhaps lead by the United States Supreme Court decision in Santobello v. New York (1971) 404 U.S. 257, 92 S. Ct. 495, 30 L. ed. 2d 427, negotiated pleas and the issues of compliance of same have been determined to be mandatory.

"When a plea rests in any significant degree on a promise of agreement of the prosecutor, so that it can be said to be a part of the inducement or consideration, such a promise "Must be fulfilled" (emphasis added) Santobello v. New York, Supra, at 262.

2 In the spirit of Santobello, supra federal courts have time and again required  
3 compliance with negotiated pleas, even to the point of striking statutory mandate  
4 of parole. IN **United States ex rel Baker v. Finkbeiner (1977) 551 F. 2d 180,**  
5 Where a defendant had entered into a negotiated plea of guilty for a specific  
6 sentence and was neither informed prior to or during the bargaining session,  
7 nor at the sentencing proceeding that parole was statutory required penalty to  
8 be part of the sentence, the court stated:

9 We do not find the imposition of two years parole terms to be an  
10 insignificant punishment. We therefore hold that Baker's guilty plea  
11 was unfairly induced in violation of the due process clause. **Baker v.**  
**Finkbeiner, Supra, at 184.**

12 With regard to the question of remedy and necessity to set right this violation  
13 of the due process clause, the Baker court went on citing Santobello, Supra at 184.

14 Under the circumstances of the case it would be unjust to simply vacate  
15 the guilty plea, which theoretically would allow the state to reindict Baker.  
16 Since he has already performed his side of the bargain, fundamentals fairness  
17 demands that the state be compelled to adhere Santobello, supra at 265.

18 Likewise, in **United States ex rel Ferris v. Finkbeiner, (1977) 551 F. 2d**  
19 **185,** Where the trial court "Uniformed and misinformed" defendant, the court therein  
20 stated at page 187;

21 "Since Ferris has substantially begun performing his side of the bargain  
22 it would not be fair to vacate the plea and require him to go through  
23 the procedure anew. Fundamental fairness can be had by limiting his term  
24 of custody to that portion of the sentence which comports with the  
25 bargain made."

26 Further, in **United States ex rel Johnson v. Deroberts, (1982) 541 F. Supp.**  
27 **547,** where the state argued that the plea negotiations "Yielded no agreement"  
28 and therefore johnson entered his plea without a justified expectation of a  
specific sentence and was not deprived of any bargain, the court rejected such  
argument and voided the attached punishment which violated the plea and stated  
at page 550;

" Baker established that the trial judge is bound to a plea bargain when it participates in the plea negotiation process and ratifies the resulting agreement. A defendant who plead guilty in reliance on such agreement cannot be sentenced to a term longer than he was promised. In the present case, the trial judge virtually sealed the plea by disclosing the sentence he would impose once the petitioner pleaded guilty. The disclosure obviated the need for further negotiations between the state attorney and defense counsel. If a trial court is bound by an agreement it ratifies, it is surely bound by an agreement it authors.: (emphasis added) *United States ex rel Johnson v. Deroberts*, *Supra* at 550, see also fn.5.

California courts have long recognized and established standards for the use of negotiated pleas. California Penal Code, § 1192.5.

"Where such a plea is accepted by the prosecuting attorney in open court and is approved by the court, the defendant, can not be sentenced on such to a punishment more severe than that specified in the plea and the court may not proceed as to such plea other than as specified in the plea." (emphasis added) California penal code § 1192.5.

Absent serious misrepresentation by the defendant in obtaining a plea bargain, such as fraud in negotiating the plea, California authority establishes entitlement to the terms bargained for or if said plea is violated, to withdraw the plea or in having its conditions enforced. *People v. Flores*, (1971) 6 Cal. 3d 305; *People v. Johnson* (1974) 10 Cal. 3d 868; *In re Lawyer* (1979) 23 Cal. 3d 190.; *People v. Calloway* (1981) 29 Cal. 3d 666, *People v. Mancheno* (1982) 32 Cal. 3d 855.; *People v. Newton*, (1974) 42 Cal. App. 3d 292: and California Penal Code § 1192.5. In striking down imposed punishment more onerous than that negotiated and plead to the court applied the due process violation rule upon rationale that the experts, i.e., the courts and prosecuting attorney are/or should be aware at the time of the "deal making" precisely what the understanding of defendant is or that a mandatory rule applies whereas the defendant's is often ignorant of that fact.

"Under the circumstances, we hold that in entering his plea defendant bargained with recognized authorities for a sentence of no more than five years to life and that he must be given the benefit of his plea bargain. (emphasis added) *People v. Flores*, *supra* at page 824.

FILED

JAN 14 2006

FRESNO COUNTY SUPERIOR COURT

By \_\_\_\_\_ DEPUTY

1 HC05CRWR677740-DRFjr-cm

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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
9 CENTRAL DIVISION  
10

11 In re ) No. 05CRWR677740 Dept. 98B  
12 HARI SINGH SRAN, )  
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ORDER

16 Having considered the petition for writ of habeas corpus  
17 dated January 5, 2006 and filed on January 10, 2006, the court  
18 finds that existing evidence does not justify the requested  
19 relief. The petition is primarily based on information contained  
20 in the trial record, such issues are to be raised by way of  
21 appeal, an appeal has been filed, petitioner was given the  
22 opportunity to address his concerns with the Fifth Appellate  
23 District, court records indicate that petitioner did file a  
24 response to his counsel's Wende brief, and this matter is still  
25 before the court of appeal. Under these facts, intervention by  
26 this court is not warranted at the present time. (Cf. People v.  
27 Superior Court (Gregory) (2005) 129 Cal.App.4<sup>th</sup> 324, In re Robbins  
28

/////

1 (1998) 18 Cal.4<sup>th</sup> 770, *In re Clark* (1993) 5 Cal.4<sup>th</sup> 750, and *Ex*  
2 *parte Dixon* (1953) 41 Cal.2d 756.)

3 The petition is denied.

4 DATED this \_\_\_\_\_ day of January, 2006.

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\_\_\_\_\_  
DONALD R. FRANSON, JR.  
Judge of the Superior Court

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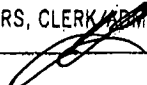
**Court of Appeal of the State of California**

COURT OF APPEAL  
FIFTH APPELLATE DISTRICT  
**FILED**

IN AND FOR THE

**MAY 04 2006**

**Fifth Appellate District**

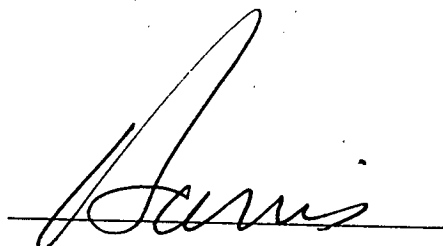
LEISA V. BIGGERS, CLERK/ADMINISTRATOR  
By  Deputy

In re  
HARI SINGH SRAN,  
  
On Habeas Corpus.

F050221  
(Fresno County Sup. Ct. No. F04901163-  
6)

BY THE COURT:\*

The petition for writ of habeas corpus filed in this court on April 25, 2006, is denied.

 Acting Presiding Justice

\*Before Harris, Acting P.J., Cornell, J. and Dawson, J.

S143611

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re HARI SINGH SRAN on Habeas Corpus

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Petition for writ of habeas corpus is DENIED.

**SUPREME COURT  
FILED**

**JUN 14 2006**

**Frederick K. Ohlrich Clerk**

**DEPUTY**

---

**GEORGE**

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Chief Justice

JS44

(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I (a) PLAINTIFFS

Hari Singh Sran

2254	DEFENDANTS
1983	
FILING FEE PAID	
Yes	No
NOT MOTION FILED	
Yes	No
COPIES SENT TO	
Court	Prosec

D. Adams, Warden

2008 FEB 13 PM 4:13

CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Kings  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(U.S. PLAINTIFF CASES ONLY)

CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Hari Singh Sran  
PO Box 3456  
Corcoran, CA 93212  
V-78136

ATTORNEYS (IF KNOWN)

'08 CV 0273 LAB LSP

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                            |   |                            |
|---|----------------------------|---|----------------------------|
| PT                                      | DEF                        | PT  | DEF                        |
| <input type="checkbox"/> 1              | <input type="checkbox"/> 1 | <input type="checkbox"/> 4                                    | <input type="checkbox"/> 4 |
| Citizen of This State                   |                            | Incorporated or Principal Place of Business in This State     |                            |
| <input type="checkbox"/> 2              | <input type="checkbox"/> 2 | <input type="checkbox"/> 5                                    | <input type="checkbox"/> 5 |
| Citizen of Another State                |                            | Incorporated and Principal Place of Business in Another State |                            |
| <input type="checkbox"/> 3              | <input type="checkbox"/> 3 | <input type="checkbox"/> 6                                    | <input type="checkbox"/> 6 |
| Citizen or Subject of a Foreign Country |                            | Foreign Nation  |                            |

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(e)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Electmant <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE February 13, 2008

SIGNATURE OF ATTORNEY OF RECORD

R. Miller